

MORRIS, NICHOLS, ARSHT & TUNNELL

1201 NORTH MARKET STREET  
P.O. Box 1347  
WILMINGTON, DELAWARE 19899-1347

302 658 9200  
302 658 3989 FAX

MARY B. GRAHAM  
(302) 575-7287  
mgramham@mnat.com

September 12, 2005

**VIA E-FILING AND HAND DELIVERY**

The Honorable Gregory M. Sleet  
United States District Court  
844 N. King Street  
Wilmington, DE 19801

Re: Abbott Diabetes Care, Inc. v. DexCom, Inc., C.A. No. 05-590 (GMS)

Dear Judge Sleet:

Attached for the Court's consideration is a stipulation extending by one week Abbott's answering brief in opposition to DexCom's motion to dismiss for lack of subject matter jurisdiction. The brief is currently due this Thursday, September 15, and with the extension would be due on September 22. Abbott has asked for this extension in view of the schedule of Abbott's lead counsel and in order to allow sufficient time for Abbott to obtain any declarations it might decide to file. DexCom agreed to this request as a matter of courtesy. I note that the stipulation also indicates that it is without prejudice to Abbott's position, as set forth in its motion seeking discovery (D.I 9), that discovery and a corresponding extension of the briefing schedule on DexCom's motion to dismiss are warranted and to DexCom's position that discovery and a corresponding extension are not warranted. We expect that briefing on that motion will be completed this week.

Abbott appreciates the Court's consideration of this requested extension.

Respectfully,

 #2256

Mary B. Graham

Attachment

cc: Dr. Peter T. Dalleo, Clerk (By hand; w/attachment)  
Steven J. Balick, Esq. (By facsimile; w/attachment)  
David C. Doyle, Esq. (By facsimile; w/attachment)  
James F. Hurst, Esq. (By facsimile; w/attachment)